



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

mk

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,762	11/21/2001	Margaret Sue Ellis	1698/US	5316
20686 7590 11/28/2007 DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647			EXAMINER TINKLER, MURIEL S	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	09/991,762		ELLIS, MARGARET SUE	
	Examiner		Art Unit	
	Muriel Tinkler		3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been reviewed. Claims 1-38 and 41-43 are pending. The rejection(s) are as stated below.

Response to Arguments

1. Applicant's arguments, see pages 2 and 3, filed September 5, 2007, with respect to the Tilton reference have been fully considered and are persuasive. The 35 USC 102 rejections of claims 1-3, 5-8, 10-13 and 41 have been withdrawn. The 35 USC 103 rejections of claims 4, 9, 14-32, 34-38, 42 and 43 have also been withdrawn because they are dependent the above mentioned independent claims. However, upon further consideration, a new ground(s) of rejection is made in view of Heffner et al. (US 2003/0018558) and McCauley et al. (US 5,930,775).

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

3. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

4. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/871/316. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims cite overlapping subject matter.

6. Claim 14 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 15 of copending Application No. 11/871/316. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims cite overlapping subject matter.

7. Claim 34 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 14 of copending Application No. 11/871/316. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims cite overlapping subject matter.
8. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Heffner et al. (US 2003/0018558), hereafter referred to as Heffner.
11. Regarding claims 1-12 and 41, Heffner discloses:

- a. A loan pool in the Abstract
- b. A database storing an electronic record in the Abstract
- c. Receiving and applying a selection of at least one risk filter in paragraph 86
- d. Displaying each of at least one loan and having a characteristic of the applied risk filter in paragraph 227
- e. Pre-selected rules in paragraph 219
- f. Mortgage loans in paragraph 6

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 13-20, 22-38 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heffner as applied to claim 1 above and in further view of McCauley et al. (US 5,930,775), hereafter referred to as McCauley.

14. Regarding claims 14 and 42, Heffner discloses the information in claim 1. See the rejection of claim 1 above. Heffner does not disclose obtaining an estimated liquidation time. McCauley teaches: obtaining an estimated net proceeds amount from a sale of the property associated with the loan (Fig. 6; column 5, lines 31-33; column 6, lines 65-column 7, lines 8; column 8, lines 48-50); obtaining an estimated liquidation

time between a last interest paid date for the loan and a receipt of the net proceeds from the sale of the property (column 2, lines 19-26; column 3, lines 1-31; column 5, lines 1-33; column 7, lines 1-8; Fig. 6; abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Heffner to include estimating liquidation time because it would provide the parties with an estimated time line for the loan.

15. Regarding claims 15, McCauley discloses applying a liquidation time value decision tree in figures 1-6 and the Abstract.

16. Regarding claim 16, Heffner discloses: a time line for loan life in paragraph 18; and, a payment plan in paragraph 30.

17. Regarding claim 17, Heffner discloses filtering according to pre-selected rules in paragraph 86.

18. Regarding claim 18, McCauley discloses Regarding claim 19, McCauley discloses: obtaining a first time factor to account for a payment plan includes: determining an end date for the payment plan; determining a current date; subtracting the current date from the end date for the payment plan; and wherein the operation Of subtracting generates the first time factor to account for a payment plan (column 1, lines 25-30; column 2, lines 19-26; column 11, lines 1-7; Fig. 6; abstract; column 8, lines 22-60).

19. Regarding claims 19 and 20, McCauley discloses: obtaining a second time factor to account for a bankruptcy proceeding associated with the loan and adding the second

time factor to the last interest paid date (column 2, lines 19-26; column 3, lines 1-31; column 5, lines 1-33; column 7, lines 1-8; Fig. 6; abstract).

20. Regarding claims 22 and 23, McCauley discloses: the operation of applying a liquidation time value decision tree includes: obtaining a third time factor to account for litigation associated with the loan and adding the third time factor to the last interest paid date (column 2, lines 19-26; column 8, lines 39-47; column 3, lines 1-31; column 5, lines 1-33; column 7, lines 1-8; Fig. 6).

21. Regarding claim 24, McCauley discloses: the operation of obtaining a third time factor to account for litigation associated with the loan includes: determining if there is litigation associated with the loan and setting the third time factor to twelve months if there is litigation associated with the loan (column 2, lines 19-26; column 5, lines 1-33; column 7-8; Fig. 6; abstract).

22. Regarding claims 25 and 26, McCauley discloses: the operation of applying a liquidation time value decision tree includes: obtaining a fourth time factor to account for foreclosure proceedings associated with the loan and adding the fourth time factor to the last interest paid date (column 2, lines 19-26; columns 3-8; Fig. 1-6).

23. Regarding claim 27, McCauley discloses: the operation of obtaining a fourth time factor to account for foreclosure proceedings associated with the loan includes: determining a foreclosure start date; determining a current date; subtracting the foreclosure start date from the current date; and wherein the operation of subtracting yields the fourth time factor (columns 3-8; Fig. 1-6).

24. Regarding claim 28 and 29, McCauley discloses: the operation of applying a liquidation time value decision tree includes: obtaining a fifth time factor to account for a delinquency status associated with the loan; adding the fifth time factor to the last interest paid date (see column 7, lines 52-67; Fig. 6; column 2, lines 19-26; abstract).

25. Regarding claims 13 and 30, McCauley discloses: the operation of determining a fifth time factor to account for a delinquency status associated with the loan includes: determining whether the loan has a delinquency status of current, 30 days delinquent, 60 days delinquent, or 90 days delinquent; setting the fifth time factor to two months if the delinquency status is 30 days delinquent; setting the fifth time factor to one month if the delinquency status is 60 days delinquent; setting the fifth time factor to zero months if the delinquency status is 90 days delinquent; and setting the fifth time factor to three months if the delinquency status is current date (see column 7, lines 52-67; Fig. 6; column 2, lines 19-26; abstract).

26. Regarding claims 31 and 32, McCauley discloses: obtaining a sixth time factor to account for a marketing period to sell the property and adding the sixth time factor to the last interest paid date (column 1, lines 25-30; column 2, lines 1-26; column 10, line 33-column 11, line 5).

27. Regarding claim 33, McCauley discloses: the operation of obtaining a sixth time factor to account for a marketing period to sell the property includes: determining if an eviction is required; adding two months to the sixth time factor if the eviction is required; determining if the property is a co-op; adding three months to the sixth time factor if the property is a co-op; determining if the property is located in a depressed region; adding

twelve months to the sixth time factor if the property is in a depressed region; determining if the property is in bad condition; adding six months to the sixth time factor if the property is in bad condition; determining if the property has a value that exceeds a specified value; and adding two months to the sixth time factor if the property value exceeds the specified value (Fig. 1-6; abstract; column 5-8).

28. Regarding claims 34-36 and 43, McCauley and Heffner disclose the information in claim 14. See the rejection of claim 14 above. McCauley also discloses: obtaining an estimated value for a property associated with a loan from the pool (abstract; Fig. 6; column 8, lines 48-50); obtaining an estimated net proceeds amount from a sale of the property associated with the loan (Fig. 6; column 5, lines 31-33; column 6, lines 65-column 7, lines 8; column 8, lines 48-50); obtaining an estimated liquidation time between a last interest paid date for the loan and a receipt of the net proceeds from the sale of the property (column 2, lines 19-26; column 3, lines 1-31; column 5, lines 1-33; column 7, lines 1-8; Fig. 6; abstract); obtaining an estimated total debt amount for the loan (Fig. 6); deriving the difference between the estimated net proceeds and the estimated total debt to yield an estimated financial outcome from the sale of the property associated with the loan (Fig. 6; column 1, lines 56-67; column 5, lines 61-64; abstract); applying the estimated financial outcome from the sale of the property associated with the loan yield the estimated financial outcome for the pool (Fig. 6; abstract).

29. Regarding claim 37, McCauley discloses obtaining an appraisal for the property (Fig. 6).

30. Regarding claim 38, see the rejection of claim 1 above. Also, Heffner discloses sorting on any visible criteria in paragraph 365.

31. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heffner and McCauley as applied to claim 20 above, and further in view of Sellers et al. (US 2001/0044773), hereafter referred to as Sellers.

32. Regarding claim 21, Heffner and McCauley disclose the information in claim 20. McCauley and Heffner do not disclose: determining whether a chapter thirteen bankruptcy proceeding, a chapter seven bankruptcy proceeding, a chapter twelve bankruptcy proceeding, or another chapter bankruptcy proceeding is associated with the loan; setting the second time factor to three months if the chapter thirteen bankruptcy proceeding is associated with the loan; setting the second time factor to six months if the chapter seven bankruptcy proceeding is associated with the loan setting the second time factor to twelve months if the chapter eleven bankruptcy proceeding is associated with the loan; and setting the second time factor to three months if another bankruptcy proceeding or an unidentified bankruptcy proceeding is associated with the loan. Sellers teaches the following steps: determining whether a chapter thirteen bankruptcy proceeding, a chapter seven bankruptcy proceeding, a chapter twelve bankruptcy proceeding, or another chapter bankruptcy proceeding is associated with the loan (Fig. 13N; ¶ 0077); setting the second time factor to six months if the chapter seven bankruptcy proceeding is associated with the loan (Fig. 13N; ¶ 0077-0078); Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add determining whether a chapter thirteen bankruptcy

proceeding, a chapter seven bankruptcy proceeding, a chapter twelve bankruptcy proceeding, or another chapter bankruptcy proceeding is associated with the loan and setting the second time factor to six months if the chapter seven bankruptcy proceeding is associated with the loan features to the method of McClauey and Heffner because Sellers et al. teaches that adding the features help to provides a system for automatically obtaining loan workout approval (§ 0008). The steps of: setting the second time factor to different months relating to different chapter bankruptcy is the design choices. Please refer to above rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

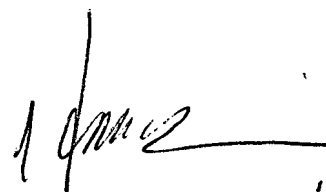
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
09/991,762
Art Unit: 3691

Page 12

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT
November 26, 2007



HANI M. KAZIM
PRIMARY EXAMINER